

FISCAL NOTE

Bill #: HB0468

Title: Allow common fund & other attorney fees
against work comp insurer

Primary Sponsor: Jent, L

Status: As Introduced

Sponsor signature

Date

David Ewer, Budget Director

Date

Fiscal Summary

	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
Expenditures:		
General Fund	\$0	\$0
Revenue:		
General Fund	\$0	\$0
Net Impact on General Fund Balance:	\$0	\$0

- | | |
|---|--|
| <input type="checkbox"/> Significant Local Gov. Impact | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts |
| <input type="checkbox"/> Dedicated Revenue Form Attached | <input type="checkbox"/> Needs to be included in HB 2 |

Fiscal Analysis

ASSUMPTIONS:

Montana State Fund

1. Sections 39-71-611 and 39-71-612, MCA, address costs and attorneys' fees.
2. The bill incorporates language that would allow claims for attorney fees under common fund and other doctrines.
3. This bill reverses some of the actions that were included in SB450 passed in the 2003 session.
4. Common fund doctrine is somewhat analogous to a class action lawsuit.
5. Under common fund doctrine if a judgment is made that affects other claimants not currently involved in the lawsuit, then the attorney may request fees for all applicable cases.
6. The resulting attorney fees are paid out of the additional benefits owed to this class of claimants.
7. Expenses cannot be quantified. However, allowing attorney fees for common funds will result in administrative expense. The additional expense would vary by each common fund case.